

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Midwest United        ) Application No. NG-0015  
Energy, LLC, Lakewood, Colorado,        )  
seeking authority as a                    ) ORDER GRANTING MOTION FOR  
Competitive Natural Gas Provider        ) PROTECTIVE ORDER  
in the state of Nebraska.                )  
                                              ) Entered: January 13, 2004

BY THE COMMISSION:

By application filed December 15, 2003, Midwest United Energy, LLC (Midwest) seeks authority as a competitive natural gas provider in the state of Nebraska. The deadline for filing a protest or petition for formal intervention is January 16, 2004.

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2003 Supp.). The Commission further finds that a Protective Order should be issued because the above-captioned matter may contain commercially sensitive information of Midwest, which Midwest considers proprietary in nature and the release of which could be injurious to its business.

The Commission further finds that it requires access to information and records claimed as proprietary and/or confidential in nature in order for staff to sufficiently review this application. The information asserted to be proprietary and/or confidential will be used by the Commission solely in connection with its review of this application. The proprietary and/or confidential material will not be introduced or used as testimony or exhibits in any application, except on an *in camera* basis, unless said information is presented in a summary format such that confidential material cannot be derived. The Commission reserves the right to request the same information in a subsequent application or other proceeding, permitting the submitting party to request that said information be received under protective order in that proceeding.

The Commission further finds that a requesting party shall seek relief from this protective order before any of the proprietary and/or confidential material is revealed to any third party including, but not limited to, any intervenors or protestants in this case. Midwest shall clearly designate and identify, by filing on yellow paper, all information that it contends is confidential and/or proprietary, which shall be limited to the following:

***Financial statements, general ledger and  
journal entry information of Midwest Energy,  
Inc., a non-publicly traded company.***

Nothing in this protective order shall be deemed to prevent the disclosure of any information, which must be maintained as a public record or for public use pursuant to state statute or the Nebraska Constitution. In any challenge to the confidential treatment of such material, Midwest must bear the burden of proving its entitlement to confidential treatment of any claimed confidential material.

The Commission further finds that all claimed confidential and/or privileged material, as set forth above, shall remain protected from public disclosure until otherwise ordered by the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Protective Order is hereby granted pursuant to the findings set forth herein.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of January, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director